

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
vs.                         )                            ORDER  
                               )  
TONY T. BURKHALTER,      )  
                               )  
Defendant.                 )

This matter is before the court on the motion to continue by defendant Tony T. Burkhalter (Burkhalter) (Filing No. 13). The motion does not comply with NECrimR 12.1(a) and paragraph 9 of the Progression Order (Filing No. 9) in that the motion is not accompanied by the defendant's affidavit or declaration stating that defendant:

- (1) Has been advised by counsel of the reasons for seeking a continuance;
- (2) Understands that the time sought by the extension may be excluded from any calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.; and
- (3) With this understanding and knowledge, agrees to the filing of the motion.

Accordingly, the motion (Filing No. 13) is:

Held in abeyance pending compliance with NECrimR 12.1(a) and Paragraph 9 of the Progression Order. Absent compliance **on or before February 24, 2009**, the motion will be deemed withdrawn and termed on the docket.

Denied.

**IT IS SO ORDERED.**

DATED this 18th day of February, 2009.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge